



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,644	11/06/2001	Kevin C. Hutton	GOLDENH.003A	9966

20995 7590 10/04/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

LE, LINH GIANG

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/007,644	Applicant(s) HUTTON ET AL.	
	Examiner Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07306</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 6/13/06. Claims 1–11 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 8-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane (5,911,132).

(A) As the claims have not been amended, Applicant's arguments with respect to the aforementioned rejection are addressed below in the section entitled "Response to Argument."

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (5,911,132) in view of Iliff (6,725,209).

(A) As the claims have not been amended, Applicant's arguments with respect to the aforementioned rejection are addressed below in the section entitled "Response to Argument."

Response to Arguments

2. Applicant's arguments filed 6/13/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the Amendment filed 6/13/06.

(A) At page 8 of the 6/13/06 Amendment, Applicant argues the Sloane reference does not teach every element of the independent claims 1, 5, and 8 as under 35 U.S.C. 102(b) and 103 (a). Applicant says Sloane does not "determine whether sufficient patient demographic data exists in the medical emergency database." Examiner respectfully disagrees.

In response, Examiner refers to Sloane Col. 7, lines 60-64 teaching a daemon that "continuously scans the patient transaction records looking for incompleting patient transactions." "Incompleting patient transactions" reads on "patient demographic data."

Art Unit: 3626

The daemon scans the records looking for incompleting patient transactions. An incomplete patient transaction has insufficient patient demographic data. Thus, the Sloane reference does teach this element of claims 1, 5 and 8.

(B) At page 8 of the 6/13/06 Amendment Applicant further argues that Sloane does not "search other databases in an attempt to obtain missing demographic information." Examiner respectfully disagrees.

In response, Examiner refers to Sloane Col. 8, lines 1-20. First Sloane teaches "a plurality of processes each continuously monitors the entire database of patient transaction records." This reads directly upon the "search other databases" portion of claims 1, 5, and 8. Further this passage in Sloane teaches "looking for the known signatures of particular respective diseases of epidemiological interest." Examiner believes that this reads upon "missing demographic information" as Sloane does not teach anywhere before this process of including the signatures of particular diseases. Thus, this can be interpreted as information not included in the database or "missing demographic information."

(C) At page 8 of the 6/13/06 Amendment Applicant argues that Sloane does not positively recite the "transport information" that is part of the data stored in the medical emergency database as recited in Claims 1, 5 and 8. Examiner respectfully disagrees.

Art Unit: 3626

In response, Examiner refers to Sloane Col.1, line 50 teaching an “electronic data communication” system. This reads on the “transport information” limitation, as communicating electronic data is a form of transporting information.

(D) At page 9, of the 6/13/06 Amendment Applicant argues that Sloane does not teach a “billing module in communication with the medical emergency database, the billing module receiving data from the demographic audit module.” Examiner respectfully disagrees.

In response, Examiner refers both Fig. 4 and Col. 6, lines 54-61. Sloane teaches an E-doc computer including at least two databases (Sloane; Col. 6, lines 54-55). Two databases in one computer system will be in communication with each other. The “E-doc Patient Record Database” in Fig. 4 reads on the “billing module” as it includes billing data. It is in communication with the “E-doc Patient Transaction Database” in Fig. 5 (reads upon “medical emergency database”) as they are part E-doc computer system. Further more Fig. 3 shows the E-doc system receiving results from the Internet. According to Fig. 1 the Internet is connected to the CDC computer (reads upon “demographic audit module” Sloane; Col. 7 line 57 to Col. 8, line 20). Thus the “E-doc Patient Record Database” (reads on “billing module”) is receiving data from the CDC computer (reads on “demographic audit module”) via the Internet.

(E) Dependent claims 2-4, 6-7, and 9-11 are likewise anticipated by Sloane for the same reasons as independent claims 1,5, and 8 from which they depend and further in view of their own respective features.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

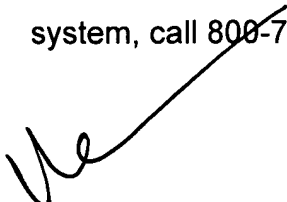
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

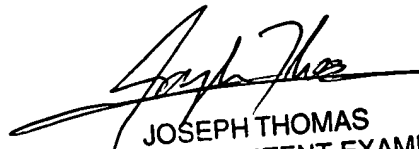
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LLe


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER